

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS – EASTERN DIVISION**

PAULA STANOVICH, Independent Administrator of the Estate of KAREN DEE STANOVICH, Deceased,)	
)	
Plaintiff,)	
vs.)	No. 12 CV 5290
)	
APRIA HEALTHCARE, INC., a corporation, d/b/a APRIA HEALTHCARE GROUP, LTD., THE BLACKSTONE GROUP, INC., a Corporation, d/b/a BLACKSTONE GROUP, LP, and MICHAEL SEED,)	
)	Judge Ruben Castillo
)	
Defendants.)	Magistrate Judge Sidney Schenkier

SECOND AMENDED COMPLAINT AT LAW

NOW COMES the Plaintiff, PAULA STANOVICH, Independent Administrator of the Estate of KAREN DEE STANOVICH, Deceased, by and through her attorneys, CIFELLI, SCREMENTI & DORE, LTD., and complains against the Defendants, APRIA HEALTHCARE, INC., a corporation, d/b/a APRIA HEALTHCARE GROUP, LTD., THE BLACKSTONE GROUP, INC., a corporation, d/b/a BLACKSTONE GROUP, LP, and MICHAEL SEED, and each of them, and states as follows:

COUNT I

Medical Malpractice/Survival Action

1. That this Court has jurisdiction based on diversity of citizenship and the amount in controversy exceeding \$75,000.00.
2. That this action is brought by PAULA STANOVICH, in her capacity as court appointed Independent Administrator of the Estate of KAREN DEE STANOVICH, deceased, (Case No. 11 P 1982) and pursuant to the provisions of the Illinois Survival Statute (755 ILCS 5/27-6) and the Illinois Wrongful Death Act (740 ILCS 180/1 et. seq.).
3. That attached hereto is an Affidavit submitted pursuant to 735 ILCS 5/2-622(2).

4. That on or before July 2, 2010, the Defendant, THE BLACKSTONE GROUP, INC., (hereinafter “BLACKSTONE”) was a corporation licensed to do business in the State of Illinois and doing business as BLACKSTONE GROUP, LP.

5. That on or before July 2, 2010, the Defendant, APRIA HEALTHCARE, INC., (hereinafter “APRIA”) was a corporation, licensed to do business in the State of Illinois and doing business as APRIA HEALTHCARE GROUP, LTD. at various locations including a Crestwood branch located at 4711 West 135th Street, in the Village of Crestwood, State of Illinois.

6. That on or before July 2, 2010, the Defendant, MICHAEL SEED, was an employee, servant and agent of APRIA and/or BLACKSTONE and was acting within the scope and course of his employment at the time that he provided healthcare to the Plaintiff’s decedent, KAREN DEE STANOVICH, by attempting to replace and/or refill her oxygen tank.

7. That on July 2, 2010, the Defendant, MICHAEL SEED, Individually and as employee, servant and agent of the Defendant, APRIA and/or BLACKSTONE, arrived at the home of the Plaintiff’s decedent at 13955 South Leonard, Crestwood, Illinois to deliver oxygen.

8. That at the time and place aforesaid, the Defendant, MICHAEL SEED, while attempting to refill oxygen tanks, completely disconnected Plaintiff’s decedent from all oxygen tanks.

9. That at all times pertinent hereto, the Defendants, and each of them, owed a duty to the Plaintiff’s decedent to use that care necessary to conform to the applicable standard of care in their profession.

10. That notwithstanding the aforesaid duty, the defendant, MICHAEL SEED, acting individually and as agent of the defendant, APRIA and/or BLACKSTONE, and each of them, negligently and carelessly committed one or more of the following acts or omissions:

- (a) Neglected to place Plaintiff's decedent on an alternate portable oxygen unit;
- (b) Failed to recognize the severe distress and suffering Plaintiff's decedent faced due to the immediate lack of oxygen;
- (c) Failed to assist Plaintiff's decedent while she horrifically pleaded for help; and
- (d) Deprived Plaintiff's decedent of oxygen, which was essentially her life support.

11. As a direct and proximate result of one or more or all of the foregoing negligent acts or omissions on the part of the defendants, and each of them, the decedent, KAREN DEE STANOVICH, suffered severe injuries of a personal and pecuniary nature, including pain and suffering and loss of enjoyment of life from the period immediately following the aforesaid procedure of July 2, 2010 through and including the time of her death on July 6, 2010; her estate incurred substantial medical bills in and about her endeavoring to be cured of her injury.

12. Had KAREN DEE STANOVICH survived, she would have been entitled to maintain a cause of action for damages due to the negligence of defendant pursuant to 755 ILCS 5/27-6.

WHEREFORE, the plaintiff, PAULA STANOVICH, Independent Administrator of the Estate of KAREN DEE STANOVICH, Deceased, prays that this Court enter judgment against the defendant, APRIA HEALTHCARE, INC., a corporation, d/b/a APRIA HEALTHCARE GROUP, LTD., THE BLACKSTONE GROUP, INC., a corporation, d/b/a BLACKSTONE GROUP, LP, and MICHAEL SEED, and each of them, in an amount in excess of ONE MILLION (\$1,000,000.00) DOLLARS plus costs of this action.

COUNT II

Medical Malpractice/Wrongful Death

1-10. That the Plaintiff herein repeats and realleges paragraphs 1 through 10 of Count I of this Second Amended Complaint at Law as correspondingly numbered paragraphs 1 through 10 of this Count II, as though fully set forth herein.

11. That as a direct and proximate result of one or more of the foregoing careless and negligent acts on the part of the Defendants, and each of them, the Plaintiff's decedent, KAREN DEE STANOVICH, fainted and collapsed in her home due to the lack of oxygen for and was rushed by ambulance to Palos Community Hospital on July 2, 2010, and remained hospitalized until she died in the Critical Care Unit on July 6, 2010.

12. That Plaintiff's decedent, KAREN DEE STANOVICH, left surviving her oldest daughter, PAULA STANOVICH, only son, RICHARD STANOVICH, and her youngest daughter, MARY STANOVICH, each of them suffered pecuniary loss and loss of KAREN DEE STANOVICH's society and companionship.

WHEREFORE, the Plaintiff, PAULA STANOVICH, Independent Administrator of the Estate of KAREN DEE STANOVICH, Deceased, demands judgment against the Defendants, APRIA HEALTHCARE, INC., a corporation, d/b/a APRIA HEALTHCARE GROUP, LTD., THE BLACKSTONE GROUP, INC., a corporation, d/b/a BLACKSTONE GROUP, LP, and MICHAEL SEED, and each of them, in a sum in excess of ONE MILLION (\$1,000,000.00) DOLLARS plus costs of this action.

Respectfully submitted,

s/Anthony C. Scrementi
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